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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

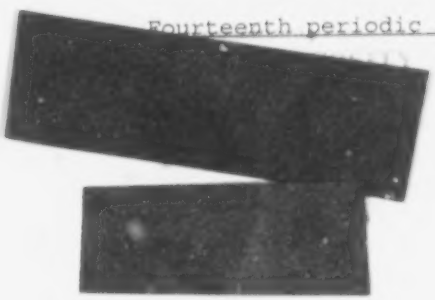
REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9
OF THE CONVENTION

Fourteenth periodic report of States parties due in 1996

Addendum

Philippines*

[21 February 1997]



* This document contains the eleventh, twelfth, thirteenth and fourteenth periodic reports (consolidated in one document) due on 5 January 1990, 1992, 1994 and 1996 respectively. For the tenth periodic report of the Philippines and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/172/Add.17 and CERD/C/SR.842-843.

The annexes and reference documentation provided by the Philippines may be consulted by the members of the Committee in the Secretariat's files.

The information submitted by the Philippines in accordance with the consolidated guidelines for the initial part of the reports of States parties is contained in the basic document HRI/CORE/1/Add.37.

GE.97-15870 (E)

Introduction

1. The present consolidated report reflects the last 2½ years of the Aquino Administration and the first 3½ years in power of President Fidel V. Ramos who was elected for a six-year term in the May 1992 presidential and congressional elections and who assumed office on 30 June 1992. Since this report is being presented in March 1997, it has also been further updated to include the period up to December 1996.

2. The report deals with the legislative, judicial, administrative and other measures which have been adopted in the Philippines to give effect to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination. The information contained in the report tries to adhere to the revised general guidelines adopted by the Committee on 9 April 1980 and the additional guidelines adopted by the Committee on 17 March 1982, as revised during its forty-second session on 19 March 1993. It also addresses, whenever possible, the questions or concerns raised during examination of the ninth and tenth consolidated report which covered the period from 5 January 1986 to 4 January 1990.

3. It will be recalled that the 1989 consolidated report highlighted the 1987 Philippine Constitution as a human rights-oriented organic law of the land which adequately provides for the promotion and protection of human rights and fundamental freedoms. The present report reiterates the constitutional provisions as well as the various legislative, judicial, administrative and other measures which were cited in the previous report, and aims to provide in greater detail information on any new laws, policies and measures implemented by the Aquino and Ramos governments during the period covered by the report, with regard to the promotion and protection of the human rights and fundamental freedoms of the Filipino people, giving particular emphasis on the question of racial discrimination.

General statement

4. As in the previous reports, the Philippine Government wishes to emphasize that racial discrimination, as defined under paragraph 1, article 1, of the Convention, is alien to the prevailing mores and culture of the Filipino people. The type of racial discrimination, similar to what was practised in South Africa when the policy of apartheid was not yet dismantled, has never officially or factually existed in the Philippines, neither in a systemic nor formal nor intermittent nor isolated manner. Hence, there has never been any references to the existence of a discriminatory policy on racial grounds nor has there been any allegation of instances of racial discrimination as a specific kind of human rights violation in the Philippines, even before or immediately after the Philippines adopted and ratified the Convention on 21 December 1965 and 15 September 1967, respectively.

5. It was also noted in the previous report that racial discrimination has never existed among ancient Filipinos who belong to a single racial stock, the Malays. It was in fact the ideological, cultural and socio-economic legacy of a long history of colonialism that brought about the present differences in the levels of development between the majority of Filipinos and those among

them who tenaciously cleaved to the indigenous Filipino cultural heritage, i.e., the Muslim Filipinos in the south and the indigenous cultural communities in northern and southern Philippines. The previous report concluded that this disparity in development, as well as the prevailing differential access to land, education or employment, resulted in apparent racial distinctions or perceived instances of racial discrimination.

6. The Philippine Government reiterates once again that it supports the Convention and that racial discrimination as defined therein constitutes a grave violation of human rights and fundamental freedoms. It also supports the international consensus on the need to prevent the occurrence of racism, racial discrimination and discriminatory practices or policies on racial grounds wherever and whenever they might occur. To this end it adopted and ratified the Convention and enshrined in its Constitution the obligation to respect, uphold and protect all human rights and fundamental freedoms under a regime of law (art. 2, sect. 11). In addition, it enacted Presidential Decree No. 1350-A of 17 April 1978 which continues to be in effect and which has the primary purpose of implementing the provisions of the Convention in the country and providing for specific penalties for a class of offences constituting violations of the Convention in the Philippines.

7. The Philippine Government therefore maintains in this report that discrimination based on race, colour or ethnic origin is non-existent in the Philippines because Filipinos have essentially the same racial and ethnic origins and because such practice has never been implemented officially nor is it present in an informal form in the country.

8. At the same time, and as with previous reports, this report continues to reflect the importance given by the Constitution and the Philippine Government to the rights and welfare of the indigenous cultural communities (ICCs) and the Muslim Filipinos in the Philippines. The latter part of this report is an update on the legislative, judicial and administrative measures which are being taken by the Philippine Government to implement its commitment to address the special development needs of the Muslim Filipinos and other indigenous cultural communities with whom the majority of Filipinos share the same racial, ethnic and cultural heritage.

I. GENERAL POLITICAL STRUCTURE

9. At the national level, the Philippines has three co-equal branches of government: the Executive, the Legislature and the Judiciary. The local government units are composed of the provinces, cities, municipalities and the barangays.

10. The province consists of a cluster of municipalities, or municipalities and component cities, and as a political and corporate unit of government serves as a dynamic mechanism for the development process and effective governance of local government units within its territorial jurisdiction.

11. The city, consisting of more urbanized and developed barangays, serves as a general-purpose government for the coordination and delivery of basic, regular, and direct services and effective governance of the inhabitants within its territorial jurisdiction.

12. The municipality, consisting of a town centre and a group of barangays, serves primarily as a general-purpose government for the coordination and delivery of basic, regular and direct services and effective governance of the inhabitants within its territorial jurisdiction.

13. The barangay, as the basic political unit in both rural and urban settings, serves as the primary planning and implementing unit of government policies, plans and programmes, projects and activities in the community and as a forum wherein the collective views of the people may be expressed, crystallized and considered and where disputes may be amicably settled. It also serves as a springboard for elevating the people's concerns to a higher level of governance.

II. COMPOSITION OF THE PHILIPPINE POPULATION AS OF THE LATEST CENSUS (1990)

14. The 1990 population census of the Philippines showed a total of 60,560,000, with the Filipinos numbering 60,420,000. The rest, numbering 134,211 persons (.02 per cent of the total), were foreign nationals made up mostly of Chinese (44 per cent of the total number of foreign population), Americans (14.5 per cent), British (5 per cent), Indonesians (3 per cent), Japanese (2.3 per cent) and Indians (2 per cent). The total number of Muslim Filipinos during the 1990 census was 2,757,020 (4.56 per cent of the total number of Filipinos). According to a survey conducted by the Office of Muslim Affairs, Muslim Filipinos numbered 6.6 million as of 1992.

15. It is noted at this point that the respective offices responsible for the northern and southern indigenous cultural communities (Office for Northern Cultural Communities and Office for Southern Cultural Communities) presented only estimates as to the total number of population who belong to the ICCs. Based on its informal survey, the ONCC listed, as of 1992, a total of 3,615,581 people belonging to the northern cultural communities. During the Global Indigenous Cultural Olympics and Summit (GICOS) held in Manila in 1996, an attempt was made by both the ONCC and the OSCC to list or estimate the total number of people from the northern and southern cultural communities. (See annex I, containing statistical tables from the 1990 census on the composition of the population in the Philippines and on the Muslim Filipinos, the estimates on the composition of the indigenous cultural communities, and a brief description of each of the different tribes that compose the cultural communities located in the northern and southern regions of the Philippines; available for consultation with the Secretariat).

III. CONSTITUTIONAL PROVISIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

16. The 1987 Philippine Constitution declared as a policy that the "State values the dignity of every human person and guarantees full respect for human rights" (art. 2, sect. 11). It is also the national policy to protect the right to health of the people (art. 2, sect. 15) as well as their right to a balanced and healthful ecology (art. 2, sect. 16). The State is mandated to protect the rights of workers and promote their welfare (art. 2, sect. 18) and to guarantee equal access to opportunities for public service (art. 2, sect. 26).

17. Everyone's right to equality before the law in the enjoyment of civil, political and social rights is enshrined in the all-embracing Bill of Rights of the 1987 Constitution (art. 3). To strengthen the Governments concern for the protection and promotion of human rights and fundamental freedoms, the Constitution also mandates the Congress of the Philippines to give the "highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic and political inequalities and remove cultural inequities by equitably diffusing wealth and political power for the common good" (art. 13, sect. 1). The "promotion of social justice shall include the commitment to create economic opportunities based on freedom of initiative and self-reliance" (art. 13, sect. 2).

18. For the first time, the State declared as a national policy that it "recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development" (art. 2, sect. 22). Subject to the provisions of the 1987 Constitution, the State is also mandated to "protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social and cultural well-being" (art. 12, sect. 5). The same provision states that "Congress may provide for the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain". The State shall also "recognize, respect, and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions, and inst.tutions" and "shall consider these rights in the formulation of national plans and policies" (art. 14, sect. 17). Furthermore, the Constitution mandated the creation of "autonomous regions in Muslim Mindanao and in the Cordilleras consisting of provinces, cities, municipalities and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures and other relevant characteristics within the framework of this Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines" (art. 10, sects. 15-21).

19. It is emphasized that this special attention given to the indigenous cultural communities should not be taken as an indication that they are treated separately from the rest of the population; rather it is intended to ensure that their cultural identity and interests are acknowledged and that as Filipinos, they are drawn within the protective mantle of the fundamental law of the land.

20. Finally, the Constitution provided for the creation of the Commission on Human Rights (art. 13, sect. 17), which was implemented by the Aquino administration. The Commission is an independent body which is mandated by the Constitution to investigate on its own or on complaint by any party, all forms of human rights violations, including those involving civil and political rights. The Commission is also responsible for the provision of appropriate legal measures for the protection of the human rights of all persons within the Philippines, as well as Filipinos living abroad, and for the provision of preventive measures and legal aid services to the underprivileged whose human rights have been violated or need protection.

IV. REVIEW OF INFORMATION ON ARTICLES 2-7 OF THE CONVENTION

A. Article 2

21. The Philippines reiterates the various information under this item which was already given in the previous reports. In particular, it has been pointed out that the Philippines' constitutional and legal system, its adherence to the democratic way of life and government and its commitment to the promotion and protection of human rights and fundamental freedoms provide the framework for the condemnation and prohibition of racial discrimination against persons, groups of persons or institutions by public authorities and institutions, both at the national and the local level.

B. Article 3

22. The Philippines reaffirms its adherence to the Charter of the United Nations which has, as one of its basic principles, the promotion of human rights and fundamental freedoms for all without distinction as to race, colour, sex, language or religion. This principle is considered a vital element for the achievement of growth and development and for the maintenance of peace and security. Racism and all forms of racial discrimination are an affront to the dignity of man and should be eradicated.

23. The Philippines actively supported and participated in the efforts of the international community in bringing to an end apartheid in South Africa. Together with other nations, the Philippines welcomed the establishment of a united, non-racial and democratic government in South Africa and joined other nations in congratulating all South Africans and their leaders in bringing about an end to racial segregation and in laying the foundations for a new South Africa whose citizens can now enjoy equal and guaranteed rights for everyone. The Philippines witnessed with satisfaction the entry into force of South Africa's new Constitution on 27 April 1994, the holding of democratic elections from 26-29 April 1994, the convening of South Africa's new Parliament on 5 May 1994 and the installation on 10 May 1994 of its President and Government of National Unity.

24. The Philippines is also happy to note that apartheid as defined by the International Convention on the Suppression and Punishment of the Crime of Apartheid no longer exists anywhere. As proof of its commitment to fight any occurrence or resurgence of the form of apartheid such as that which was practised in South Africa, the Philippines ratified, aside from the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid on 26 January 1978 and the International Convention against Apartheid in Sports on 22 July 1987.

C. Article 4

25. As stated in the previous reports, Presidential Decree No. 1350-A, promulgated on 17 April 1978, declared violations of the Convention on the Elimination of All Forms of Racial Discrimination as unlawful and provided appropriate penalties for such violations. As of the date of this report, there have been no reported cases of violations of the decree nor has any

person, group or organization, whether public or private, been accused of committing racial discrimination or has disseminated propaganda based on ideas or theories of racial superiority in the country. It is also reiterated that PD1350-A remains valid and effective since it is consistent with the Philippines' initiatives in the field of human rights.

D. Article 5

26. The Philippines reiterates the information under this item which was given during the previous report(s). In particular, the consolidated ninth and tenth report enumerated in detail the provisions of the 1987 Constitution which enshrined the civil, political and economic, social and cultural rights of every Filipino. These rights are guaranteed without distinction as to race, colour or ethnic origin.

E. Article 6

27. The Philippines reiterates the information under this item which was given during the previous reports, and in particular the following:

(a) Equal protection of the law and the concept of due process are enshrined in article 3, section 1, of the 1987 Constitution which states that "no person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied the equal protection of the laws". This constitutional provision ensures that all persons have access or recourse to the law and have the right to be heard with impartiality before appropriate tribunals or bodies and to seek just and adequate reparation or compensation;

(b) Aside from the avenue provided by a legal proceeding, allegations of human rights violation can also be brought before the Commission on Human Rights which is empowered to investigate, on its own or upon the complaint of any party, all forms of human rights violation involving civil and political rights.

F. Article 7

28. The Philippines reiterates the information under this item which was given during the previous reports, and in particular the following:

(a) The 1987 Constitution mandates all educational institutions to "inculcate patriotism and nationalism, foster love of humanity, respect for human rights. ..." (art. 14, sect. 3 (2));

(b) Executive Order No. 27 issued on 4 July 1986 entitled "Education to maximize respect for human rights" instructed the Department of Education, Culture and Sports (DECS) to include the study and understanding of human rights in the curricula of all levels of education and training in all schools and to initiate and maintain regular programmes and special projects to provide venues for information and discussion of human rights, including utilization of informal education and other means to stress respect for human rights. In accordance with this Order the DECS issued Order No. 61 on 9 June 1987 requiring the inclusion of the study of human rights and accompanying responsibilities in the school curricula at all levels;

(c) In 1994, in coordination with the Office of the Presidential Adviser on the Peace Process, DECS conducted a "writeshop" on Peace Education modules, in which participated writers who were members of the indigenous cultural communities. The modules included lessons on how tolerance and respect for other beliefs and customs can lead to understanding and harmony not only among the different indigenous cultural communities but also between them and the other members of Filipino society. These modules have been field tested in the different regions and received favourable comments from the cultural communities. Final copies were being reproduced for distribution and implementation in the school year 1997/98;

(d) In 1995/96, DECS, in coordination with the Commission on Human Rights, conducted three batches of nationwide training programmes for supervisors on basic human rights which included a study of the concepts of elimination of racial discrimination and cooperation and unity among the indigenous cultural community tribes. These supervisors are expected to conduct echo seminars for principals and teachers on how to use the concepts in the classroom. They also have the responsibility of monitoring the implementation of the above-mentioned DECS Order;

(e) The DECS Values Education National Framework includes the core values of tolerance and global solidarity, which when translated into practice includes the prevention of racial discrimination;

(f) The Philippines also continues to celebrate every 10 December Human Rights Day which is marked by symposia or conferences aimed at increasing awareness and respect for human rights and fundamental freedoms.

V. UPDATE ON MEASURES TO PROMOTE THE INTERESTS AND WELFARE OF THE INDIGENOUS CULTURAL COMMUNITIES AND MUSLIM FILIPINOS IN THE PHILIPPINES

A. The Indigenous Cultural Communities in northern and southern Philippines

29. In the Philippines, the term indigenous cultural communities (ICCs) refer to a "homogenous society, identified by self-ascription or by others, who have continuously lived as a community on community-bounded and defined territory, sharing communal bonds of language, traditions, and other distinctive cultural traits, and who, through resistance to the political, social and cultural inroads of colonization, became historically differentiated from the majority of the Filipinos". The term likewise refers to people who are regarded as indigenous on account of their descent from populations which inhabited the country at the time of conquest or colonization or the establishment of present State boundaries and who retained some or all of their own social, economic, cultural and political institutions, and who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains.

30. The major areas of concern for the ICCs continue to be centred on poverty, opportunities for livelihood, education and vocational and employment skills, basic services and infrastructure, and peace, harmony and stability in the community. The Government's concern for ICCs is embodied in the Social Reform Agenda (SRA) of the Ramos administration which is a package of

interventions by the Government under the Medium-Term Philippine Development Plan (1993-1998) aimed at ensuring the welfare of the disadvantaged groups in the society through the alleviation of poverty and the attainment of social justice, equity and a lasting peace.

31. Projects and measures in support of the SRA for the socio-economic development of the cultural communities in the north focused on livelihood/income-generating and infrastructure projects, promotion of political stability and the pursuance of ancestral land/domain claims, social services (basic health care and proper nutrition), human development/people empowerment through the provision of educational assistance, environmental protection and cultural development. (See annex II - Accomplishment Report of the Office for Northern Cultural Communities for 1996 and information on the functions of the Office.)

32. The SRA also renewed with vigour the implementation of flagship programmes for the benefit of the southern cultural communities which focused on the following priority areas: ancestral domain/land development/advocacy, livelihood development, technology transfer and skills development, social infrastructure, health and sanitation, educational advancement, cultural heritage preservation and enhancement, protection of rights and indigenous institution revitalization. (See annex III - Accomplishment Report of the Office for Southern Cultural Communities for 1996.)

33. The rights and welfare of the children belonging to the ICCs are also given attention. On 24 November 1993, the Department of Justice promulgated "Rules and Regulations on Children of Indigenous Cultural Communities" (annex IV) (pursuant to Republic Act No. 7610, providing for stronger deterrence and protection against child abuse, exploitation and discrimination) which seek to provide children of ICCs with basic health, nutrition and other basic social services to ensure their protection, survival and development consistent with the customs and traditions of their respective communities. Of particular importance is the opportunity given to the child to obtain education or schooling at the elementary and secondary levels, as well as to avail itself of non-formal education to develop practical skills. Consistent with the expressed desire or need of the ICC to preserve its cultural heritage, an alternative system of education shall also be provided, using the dialect of the community as medium of instruction whenever possible.

34. Scholarships granted to deserving youths from the ICCs under the National Integration Study Grant Programme (NISGP) and the Special Ethnic Groups Educational Assistance Programme (SEGEAP) are being administered on behalf of the Department of Education, Culture and Sports (DECS) by the Office of Student Affairs in the University of the Philippines.

35. The Philippine Government, through the Department of Labour and Employment (DOLE), is mandated to protect the rights of workers from both the agricultural and industrial sector. The indigenous cultural communities and the Muslim Filipinos come within the purview of this mandate as rural agricultural workers. Under the Department's policy initiatives, rural workers are given protection and extended other related services, i.e. the grant of legal personality to organize groups for registration under the Bureau of Rural Workers (BRW). DOLE works for the prevention of all forms of

discrimination against all workers particularly with regard to admission to employment, equal remuneration for work of equal value; medical and social assistance, occupational safety and health, especially exposure to radiation, pesticides and other toxic substances, workmen's compensation, employment injury benefits and housing; the right to association and freedom for all lawful trade union activities; and the right to conclude collective agreements with employees' or employers' organizations.

36. Pursuant to section 9, paragraph 4, of Republic Act No. 6040 (Civil Service Act of 1959), the Civil Service Commission (CSC) granted eligibilities to members of cultural communities through special examinations from 1975 to 1980. These examinations did not require the passing of a written test. Eligibilities were granted after evaluating the qualification of each applicant through a review of their experience, training and education as described in their application forms and supported by corroborative evidences. These examinations were given to establish a register of eligibles from which appointment to government positions covered by examinations as required by law can be made.

37. In July 1989, the CSC passed a resolution which aimed at institutionalizing "a long-range mechanism within the government sector to ensure equality of opportunities in employment and terms and conditions of work". CSC resolution 89-463 aimed to adopt appropriate measures, including sanctions, and prohibited all forms of discrimination in employment and employment opportunities in the government service. For purposes of the resolution, the term discrimination was defined as "any distinction, exclusion or preference made on the basis of gender, religious or political affiliation, minority or cultural extraction or social origin which has the effect of nullifying or impairing equality of opportunity or treatment in employment occupation".

38. In October 1989, special written career professional and sub-professional examinations for members of cultural communities were held in 39 test centres nationwide aimed at giving them equal opportunities for employment in the bureaucracy. No similar examination has been given since then but the CSC has been administering the regular Career Service Examination which is open to members of all cultural communities provided that they are qualified applicants.

39. Several bills are pending in Congress which aim to promote equal employment opportunities for the indigenous cultural communities and the Muslim Filipinos: (a) Senate Bill No. 153 entitled "An act to ensure equal employment opportunities to Muslims and Tribal Filipinos"; (b) Senate Bill No. 212 entitled "An act granting equal employment opportunities in all offices, agencies or branches of Government to members of the cultural communities, allotting at least fifteen per cent (15%) of all positions therein for this purpose, and for other purposes; (c) Senate Bill No. 1057 entitled "An act to ensure equal employment opportunities to members of indigenous cultural communities and preference in certain cases and for other purposes".

40. A long-standing concern of the ICCs, and one which is at the core of their struggle for socio-economic upliftment, is the resolution of their claim to their ancestral domain/lands of which they were dispossessed as a result of years of neglect and exploitation of lands and natural resources. As already stated, the provisions of the 1987 Constitution reflect the recognition and commitment of the State to promote the well-being and development of the ICCs, particularly in relation to the need to protect their ancestral rights (art. 2, sect. 22; art. 12, sect. 5; art. 14, sect. 17). The Constitution provides that "the State shall apply the principles of agrarian reform or stewardship, whenever applicable in accordance with law, in the disposition or utilization of other natural resources, including lands of the public domain under lease or concession suitable to agriculture, subject to prior rights, homestead rights of small settlers, and the rights of indigenous cultural communities to their ancestral lands (art. 13, sect. 6).

41. The rights of indigenous cultural communities to their ancestral lands are also reflected in the following laws:

(a) Republic Act No. 6657 (Comprehensive Agrarian Reform Law of 1988), section 9:

> "Ancestral lands - For purposes of this Act, ancestral lands of each indigenous cultural community shall include, but not be limited to, lands in the actual, continuous and open possession and occupation of the community and its members. Provided, that the Torrens System shall be respected.
>
> "The rights of these communities to their ancestral lands shall be protected to ensure their economic, social and cultural well-being. In line with the principles of self-determination and autonomy, the systems of ownership, land use, and the modes of settling land disputes of all these communities must be recognized and respected.
>
> "Any provision of law to the contrary notwithstanding, the Presidential Agrarian Reform Council (PARC) may suspend the implementation of this Act with respect to ancestral lands for the purpose of identifying and delineating such lands. Provided, that in the autonomous regions, the respective legislatures may enact their own laws on ancestral domain subject to the provisions of this Constitution and the principles enunciated in this Act and other national laws."

(b) Republic Act No. 7576 (National Integrated Protected Areas System Act of 1992), section 13:

> "Ancestral Lands and Rights Over Them - Ancestral lands and customary rights and interests arising therefrom shall be accorded due recognition. The Department of Environment and Natural Resources (DENR) shall prescribe rules and regulations to govern ancestral lands protected areas: Provided, that the DENR shall have no power to evict indigenous cultural communities from their present occupancy nor

resettle them to another area without their consent. Provided, however, that all rules and regulations, whether adversely affecting said communities or not, shall be subjected to notice and hearing to be participated in by members of concerned indigenous community."

42. Congress is in the process of enacting a law to address the property rights and relations over ancestral domains and is currently considering House Bill No. 33 and Senate Bill No. 1728 (which is a consolidation of several bills with Senate Bill No. 1476 as the basic bill). Senate Bill No. 1476, otherwise known as the Indigenous Cultural Communities/Indigenous People's Rights Act of 1996, is a comprehensive bill which addresses the aspirations of the cultural communities for the recognition specifically of their right to special measures for the immediate, effective and continuing improvement of their economic and social condition including in the areas of employment, education, training, health and social security and their right to special protection and security in periods of armed conflicts. The law also seeks to abolish the Office for the Northern Cultural Communities and the Office for the Southern Cultural Communities and instead create a new office to be called the National Commission on Indigenous People, which shall exercise all the powers and duties vested in the said offices.

43. To hasten the passage of the law on ancestral domains, President Ramos certified on 25 October 1996 Senate Bill No. 1476 entitled "An act to recognize, protect and promote the rights of indigenous peoples, otherwise known as the Indigenous Cultural Communities/Indigenous Peoples' Rights Act of 1996, establish implementing mechanisms therefore and for other purposes" as an urgent administrative measure. (See annex V - Highlights of the Indigenous Peoples' Rights Act.) In the meantime, the executive department, through the DENR, initiated the identification, delineation and recognition of ancestral lands and domain claims through DENR Administrative Order No. 02, Series of 1993. This is intended to ensure the integrity of the traditional areas of the ICCs while the needed law is being enacted. With this Order, certificates of ancestral land/domain claims (CALC/CADC) are issued to individual/family/clan and indigenous communities, respectively. Although the certificates issued are not titles to the land but more of stewardship grants, this initiative ensures the ICC priority in managing their traditional areas and benefiting from the resources therefrom in accordance with existing laws. The CALCs/CADCs provides the security of tenure for the ICCs over their traditional areas, since once an area is issued with a certificate, all existing resource access permits thereto, except those issued to members of the concerned indigenous community, cannot be renewed after expiration without the written consent of the concerned ICC. Also, developmental activities cannot be undertaken without the free and informed consent of the concerned community.

44. This initial step towards the full recognition of ancestral lands and domains has generated a positive response from most of the ICCs and is considered an innovative and daring move by the Government in the face of many unresolved legal issues concerning ancestral lands and domains. To date, DENR has issued 110 certificates of ancestral land claim covering about 9,971 hectares and benefiting about 3,778 families from the ICCs while 75 certificates of ancestral domain claim covering 1,057,895 hectares have been issued to 30,000 families from the ICCs.

45. In keeping with the thrust of the Social Reform Agenda, the DENR has also been named the lead agency in the flagship programme entitled "Recognition, protection and management of ancestral domains". (See annex VI - List of five major commitments under the flagship programme for the ICCs.)

46. Finally, in the implementation of the Comprehensive Agrarian Reform Programme (CARP), the Department of Agrarian Reform (DAR) is mandated to improve the tenure of indigenous cultural communities in their ancestral lands, in accordance with the above-mentioned section 9 of RA6657. In recognition of their rights to their ancestral lands, DAR issued Administrative Order No. 04, Series of 1996 (20 August 1996) entitled "Rules and regulations governing the issuance of CARP beneficiary certificates (CBC) to indigenous cultural communities and peoples pursuant to section 9 of Republic Act No. 6657" which enables DAR to issue CBCs to members of the ICCs engaged in agricultural activities. This is in coordination with the issuance to them of CADCs/CALCs by the DENR. The CBC may be issued to tribes and sub-tribes as a whole, or to individual indigenous farmers, depending on the situation existing in the area or locality. However, the majority decision of the indigenous community shall prevail. With the issuance of CBCs, the recipient ICCs will be developed into Agrarian Reform Communities (ARCs) which will benefit from a full range of support services under CARP and which will qualify for foreign assistance Programmes given to agrarian reform beneficiaries. (See annex VII - Administrative Order No. 04, Series of 1996.)

47. The mechanisms for ICC participation in policy and decision-making consist of the following:

(a) Representation by the ICCs in the Social Reform Council which is chaired by the President, as well as in the Basic Sectors Counterpart Council;

(b) Representation by the ICCs within a protected area in the Protected Area Management Board, under the National Integrated Protected Area System (RA No. 7576);

(c) Representation by the ICCs in the Provincial Special Task Force on Ancestral Domains which oversees the implementation of the identification and delineation of ancestral domain claims in the provincial level (DENR Special Order No. 25, Series of 1993).

48. It will be recalled that, in accordance with article 10, sections 15-21, of the 1987 Constitution, Republic Act No. 6766 entitled "An act providing for an organic act for the Cordillera administrative region" was passed in 1989, providing for autonomy in the Cordillera region in northern Philippines. A plebiscite was held on 30 January 1990 to ratify the Act but the results showed that only the Province of Ifugao, out of the five provinces and one city comprising the Cordillera region, approved the autonomy law. Another bill (House Bill No. 3719) entitled "An act to establish the autonomous region of the Cordillera" is still pending in Congress.

49. Finally, as yet another manifestation of the Philippine policy to promote the welfare of the indigenous cultural communities, President Ramos declared 1993 as the National Year of the Indigenous People, through

Administrative Order No. 08 dated 10 January 1993. The Philippine Government, through Administrative Order No. 206, created the National Committee on the International Decade for the World's Indigenous People and declared 1995-2005 as the National Decade for Filipino Indigenous People. In this regard, the Philippines hosted in Manila from 24 February to 3 March 1996 the Global Indigenous Cultural Olympics/Summit for Peace and Sustainable Development (GICOS).

50. It was during this Summit that the Sectoral Action Plans for Human Rights Protection of indigenous cultural communities and Muslim communities were presented to a Leader's Forum by the Office for Northern Cultural Communities, the Office for Southern Cultural Communities and the Office of Muslim Affairs in coordination with the Commission on Human Rights. These Sectoral Action Plans formed part of the Philippine Human Rights Plan (1996-2000) which was presented earlier to President Ramos, in compliance with Memorandum Order No. 335 (dated 26 January 1996) directing all concerned agencies, with the Commission on Human Rights as the lead agency, to formulate a long-term plan calling for legislative, administrative and other measures to address the human rights concerns of vulnerable and disadvantaged sectors of the society including the indigenous cultural communities and the Muslim communities.

B. The Muslim Filipinos in the Philippines

51. As of 1996, Muslims constitute nearly 7 million of all Filipinos who are now estimated to number almost 70 million. Nearly 4 million are in the southern Philippines while the rest are in the Visayas, the National Capital Region and Luzon. The Maranaos, the Maguindanaos and the Tausogs are the major tribes, while the rest include the Yakans, the Samals, Kalagans, Balik-Islam, Badjao, Jama-Mapun, Palawanons and the Kalibugan.

52. Due to long years of neglect by the central Government, the Muslim Filipinos suffered from widespread poverty and income disparity, limited employment opportunities, and inadequate basic social services and support facilities. The secessionist movement mounted by the Moro National Liberation Front (MNLF) and other groups and the resulting volatile peace and order situation in some areas of the Mindanao region had been a major deterrent to the Muslim Filipinos' growth and development.

53. In tandem with government efforts to spur the socio-economic development of the indigenous cultural communities, increasing attention has been given to the situation of the Muslim Filipinos whose needs and rights are also being referred to by the above-mentioned constitutional provisions on indigenous cultural communities and who also look forward to benefiting from the passage of the law on ancestral domains.

54. The Office of Muslim Affairs (OMA), which had been tasked to promote the welfare and total development of the Muslim Filipinos, continues to undertake programmes and strategies which include the following: implementation of socio-economic and cultural development projects; promotion and development of Muslim cooperatives; promotion, development and enhancement of Muslim culture and institutions; promotion and development of Muslim settlements; provision of support services programmes; rehabilitation of rebel returnees;

coordination with Muslim countries; coordination, supervision and administration of pilgrimage; institutional support to the annual Qur'an reading competition at the provincial, regional and national levels; support to Shariah project implementation; and support to Madrasah accreditation and institutionalization.

55. The Office has the special responsibility of promoting the cultural heritage of Muslims through its efforts towards achieving Madrasah accreditation and institutionalization; its support for the Shariah project implementation; and its conduct, supervision and control of the yearly haj or pilgrimage to Mecca. With regard to its function of administering the country's Shariah programme, the Office had conducted several Shariah Training Seminars since the inception of the programme and had assisted the Supreme Court in the giving of special Shariah bar examinations to qualified examinees. There are presently 4 courts out of the programmed 5 Shariah district courts, and 28 courts out of the 51 Shariah circuit courts which are already operational in southern Philippines. (See annex VIII - Accomplishments of the Office of Muslim Affairs.)

56. The successful conclusion of the peace negotiations between the Government and the MNLF is expected to speedily usher in a new era of development in southern Philippines and boost government efforts to involve the indigenous cultural communities and the Muslim Filipinos in the development process.

57. As noted in previous reports, the constitutional recognition given to the desire for autonomy in the Muslim region and the negotiations for peace led to the enactment of Republic Act No. 6734 which created the Autonomous Region in Muslim Mindanao (ARMM). In a plebiscite conducted on 9 November 1989, there were only 4 provinces out of the 14 identified by the Tripoli Agreement which voted for the ARMM namely: Lanao del Sur, Maguindanao, Sulu and Tawi-Tawi. Areas with a Muslim majority such as Lanao del Norte, Basilan and the cities of Cotabato and Marawi opted to stay out of the ARMM.

58. The ARMM is headed by a regional governor, assisted by a vice-regional governor. There are 21 assemblymen who are elected by districts. Lanao del Sur, Maguindanao and Sulu have two districts each while Tawi-Tawi has one. Every district sends three assemblymen to the Regional Legislative Assembly.

59. In 1996, the Ramos administration was able to forge a peace agreement with the MNLF after three years of difficult negotiations. The peace agreement provides for phase I and phase II in the implementation of the Tripoli Agreement.

60. Phase I shall cover a three-year period starting after the signing of the peace agreement with the issuance of an executive order establishing the Special Zone of Peace and Development (SZOPAD), the Southern Council for Peace and Development (SPCPD) and the Consultative Assembly. (See annex IX - Executive Order No. 371 of 2 October 1996 proclaiming a Special Zone of Peace and Development in the Southern Philippines and establishing therefor the Southern Philippines Council for Peace and Development and the Consultative Assembly.) During this phase, the process of integrating the MNLF elements

with the Armed Forces of the Philippines will commence. The joining in of MNLF elements with the Philippine National Police as part of the regular police recruitment programme will also take place in this phase. (See annex X - Administrative Order of 15 October 1996 providing for the implementation of the Peace Agreement on the joining of MNLF elements with the Philippine National Police.)

61. Phase II shall involve an amendment to or repeal of the Organic Act (Republic Act 6734) of the Autonomous Region in Muslim Mindanao (ARMM) through congressional action, after which the amendatory law will be submitted to the people through a plebiscite. The bill shall include the pertinent provisions of the Final Peace Agreement and the expansion of the present ARMM.

62. The SZOPAD is an area consisting of 14 provinces and all the cities therein which shall be the focus of intensive peace and development efforts. It consists of the provinces of Basilan, Cotabato, Davao del Sur, Lanao del Norte, Lanao del Sur, Maguindanao, Palawan, Sarangani, Sultan Kudarat, Sulu, South Cotabato, Tawi-Tawi, Zamboanga del Norte and Zamboanga del Sur and the cities of Cotabato, Dapitan, Dipolog, General Santos, Iligan, Marawi, Pagadian, Puerto Princesa and Zamboanga.

63. Development efforts in the SZOPAD will focus on the following:

(a) Provision of basic services in the depressed areas (water, electricity, educational facilities, socialized housing, and health and sanitation);

(b) Provision of adequate infrastructure facilities to support the development requirements within the SZOPAD and enhance linkages with areas outside of it;

(c) Promotion of investments and trade, both domestic and international, to generate employment and create opportunities for economic development;

(d) Provision of entrepreneurial development support, livelihood assistance and credit facilities to those in the SZOPAD, especially the vulnerable sectors such as women, farmers and fisherfolk, the unemployed, urban and sectoral poor, among others;

(e) Provision of capability-building assistance for local communities and organizations, especially women's groups, to take full advantage of development programmes and projects in the SZOPAD.

64. Development efforts in the SZOPAD will be carried out through institutional mechanisms such as the Southern Philippines Council for Peace and Development (SPCPD), the Cabinet Officer for Regional Development (CORD) system, area-specific development task forces, a regional development councils system, a regional peace and order councils system, the Southern Philippines Development Authority (SPDA) and through existing development programmes, including the growth triangle Brunei-Indonesia-Malaysia-Philippines East ASEAN

Growth Area (BIMP-EAGA), Social Reform Agenda localization programmes, flagship projects and the Presidential Council for Countryside Development (PCCD) programmes for priority provinces.

65. Development efforts in the SZOPAD will give priority to the following areas:

(a) Provinces in the area belonging to the 20 poorest provinces in the country (namely Basilan, Sulu and Tawi-Tawi);

(b) All fifth- and sixth-class municipalities in the provinces under the SZOPAD;

(c) Depressed communities within the towns and cities covered by the SZOPAD.

66. The projects to be implemented in the SZOPAD include the following:

(a) Human development projects, including but not limited to health and sanitation services, educational development and welfare services;

(b) Socialized housing projects;

(c) Water supply development;

(d) Road and bridges to connect depressed communities to centres of economic activities;

(e) Airports and seaports;

(f) Telecommunications and power/electrification programmes;

(g) Development and promotion of tourism to harness the tourism potential and enhance appreciation and awareness of the history and culture in the SZOPAD;

(h) Environmental and marine resources improvement programme to protect and conserve the natural resources in the SZOPAD;

(i) Enhancement of agricultural production through irrigation and post-harvest and marketing facilities;

(j) Establishment of food-processing facilities to generate employment and create forward and backward economic linkages;

(k) Establishment of provincial industrial centres and People's Industrial Enterprises to serve as focal points for business activities;

(l) People-empowerment programmes to ensure greater participation of women and other disadvantaged groups in governance and in the determination of their political, economic and social destinies.

67. The SPCPD is a transitory body under the control and supervision of the President; it shall be composed of one chairman, one vice-chairman and three deputies, one each representing the Muslims, the Christians and the cultural communities (Lumads). In contrast with the ARMM, it is devoid of legislative powers and governing authority. The SPCPD shall coordinate and promote the economic and social growth and development of the SZOPAD. In particular it has the following functions:

(a) To take charge in promoting, monitoring and coordinating the improvement of peace and order in the SZOPAD;

(b) To focus on peace and development efforts, more particularly in the depressed areas of the SZOPAD;

(c) To provide support to local government units as necessary;

(d) To assist in the preparation for the holding of elections, referenda or plebiscites and peoples initiatives in the area as may be deputized by the Commission on Elections (COMELEC);

(e) To cause the creation of such offices or instrumentalities as may be necessary for the effective and efficient administration of affairs in the area. The offices referred to are those internal to the SPCPD such as administrative support staff or such ad hoc committees that may be formed from existing government personnel and representatives from non-governmental organizations or people's organizations.

68. The specific tasks of the SPCPD with respect to the development concerns in the SZOPAD are as follows:

(a) Promote, coordinate and monitor development efforts in the SZOPAD, including the encouragement of domestic and foreign investments, subject to existing laws, especially from the Organization of the Islamic Conference (OIC) and the Association of South-East Asian Nations (ASEAN);

(b) Network with government and other development institutions to generate resources and economic opportunities for the SZOPAD;

(c) Coordinate for the Office of the President with concerned departments and local government units in the promotion and implementation of the programmes and projects of the following agencies: Southern Philippines Development Authority (SPDA), the Office of Muslim Affairs (OMA), the Office for Southern Cultural Communities (OSCC), only insofar as their respective offices or projects located in the SZOPAD are concerned; the Basilan Development Task Force, the Central Mindanao Development Task Force, the Sulu Development Task Force, and the Special Development Planning Task Force.

69. The Consultative Assembly shall serve as an advisory body to the SPCPD in the development of the SZOPAD. It shall be transitory and shall be under the control and supervision of the President. It shall be composed of the following: Chairperson of the SPCPD who shall be the presiding officer of the

Assembly; the Governor and Vice Governor of the ARMM and the 14 governors of the provinces and 9 city mayors in the SZOPAD; and 55 members from various sectors, including recommendees of non-government organizations and people's organizations. It shall have the following functions:

(a) To serve as a forum for consultation and airing of issues and concerns;

(b) To conduct public hearings as may be necessary and to provide appropriate advice to the SPCPD;

(c) To formulate and recommend policies to the President through the Chairman of the SPCPD and adopt rules and regulations to the extent necessary for the efficient and effective administration of the affairs of the area.

70. With the support of the political party in power (Lakas-NUCD), MNLF leader Nur Misuari ran and won handily in the election for ARMM Governor in September 1996. The ARMM Governor was also appointed by the President as SPCPD Chairman.

List of annexes

I. Statistical tables on the composition of the population and brief description of the Indigenous Cultural Communities

II. Accomplishment Report of the Office for Northern Cultural Communities

III. Accomplishment Report of the Office for Southern Cultural Communities

IV. Department of Justice "Rules and Regulations on Children of Indigenous Cultural Communities" (24 November 1993)

V. Highlights of the Indigenous Peoples' Rights Act

VI. List of Philippine Government commitments under the flagship programme for the ICCs

VII. Department of Agrarian Reform Administrative Order No. 04, Series of 1996, "Rules and regulations governing the Issuance of CARP beneficiary certificates (CBC) to indigenous cultural communities and peoples pursuant to section 9 of Republic Act No. 6657

VIII. Accomplishments of the Office of Muslim Affairs

IX. Executive Order No. 371 (2 October 1996) proclaiming a Special Zone of Peace and Development in the southern Philippines and establishing therefor the Southern Philippines Council for Peace and Development and the Consultative Assembly

X. Administrative Order No. 297 (15 October 1996) providing for the implementation of the Peace Agreement on the joining of MNLF elements with the Philippine National Police

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